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**AUG 27 2004**

|                                  |   |                     |
|----------------------------------|---|---------------------|
| In re Application of             | : | OFFICE OF PETITIONS |
| Roy Geoffrey Sargent et al       | : |                     |
| Application No. 09/470,859       | : | ON PETITION         |
| Filed: December 23, 1999         | : |                     |
| Attorney Docket No. A-68342-1/RM | : |                     |

This is a decision on the petition under 37 CFR 1.137(b), filed August 20, 2004, to revive the above-identified application.

The petition is **GRANTED**.

**The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.**

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 10, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 11, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time submitted on January 9, 2004 and August 20, 2004 was subsequent to the maximum extendable period for reply.

The Office Finance records show that the petition fee (\$665.00) and the notice of appeal fee (\$165.00) were inadvertently charged twice. Therefore, a total refund of \$1,780.00 is being credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

This matter is being referred to Technology Center AU 1632.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy